



## LA VERKIN CITY PLANNING COMMISSION

### Regular Meeting

Wednesday, June 11, 2014 6:00pm

City Council Chambers, 111 South Main Street

LaVerkin, Utah 84745

**Present:** Chair Anna Andregg; Commissioners: Kelly Wilson, Karl Benson, Allen Bice, and Hugh Howard; Staff: Derek Imlay, Kyle Gubler, Kevin Bennett, and Christy Ballard; Public: Richard Hirschi, Brant Tuttle, Russell Funk, Judy Abraham, Danny Hirschi, Phyllis Terrana, Greg Stuart, Dale and Pam Gubler, and John & Rose Valenti.

- I. Call to Order:** Chair Anna Andregg called the meeting to order at 6:00pm. The Invocation and Pledge of Allegiance was given by Derek Imlay.

**II. Approval of Minutes:**

Commission may approve the minutes of the May 28, 2014 regular meeting.

**Motion was made by Commissioner Allen Bice to approve the May 28, 2014 regular meeting minutes as written, second by Commissioner Karl Benson. Motion carried unanimously.**

**III. Approval of Agenda**

**Motion was made by Commissioner Kelly Wilson to approve the agenda as written, second by Commissioner Hugh Howard. Motion carried unanimously.**

**IV. Reports:**

1. Beautification/Trails Committee-Kyle reported the meeting was a follow up meeting for projects already completed.
2. Economic Development Committee-Nothing to report.
3. Director of Operations-The Silver Acres Project is almost complete. There are a few minor items to get finished before the final walk through. It has been a good project. That subdivision now has pressurized irrigation. Because of the drought staff is encouraging everyone to water between 6pm and 10am. If the drought continues there will probably be regulations handed down from the Water Conservancy District.

**V. Public Hearing:**

1. Preliminary Plat approval for Sunset View Estates Development Agreement and subdivision. See Public Notice dated May 29, 2014

Commissioner Andregg reminded everyone to state their name before speaking and keep their comments to 3 minutes.

Derek explained the project was started in 2006 then the economy fell and the bank took possession of the property. Greg Stuart has purchased this property and is interested in starting the project up again. Staff has reviewed the drawings that have been brought in and with the exception of a couple of items which Derek will discuss in a moment; the project has met the necessary requirements and the Code of the City.

Behind the project is a rock fall berm/drainage channel that is on bank owned property. Mr. Stuart is working on the final details with the bank to get the easement for that portion of the subdivision. This is one issue, the other is the access off of Webb Street is a 15% grade. That is allowed in our Code

only with approval from the City Council. The fire department doesn't have any issues with the road because there are only four or five homes on the South side and they can access them from 400 North. When 400 North is complete it will have a 10% grade, we need to be between 8%-10%. The Fire Chief will sign off on it so Derek doesn't think this will be an issue, especially since it was passed by a previous city council.

The subdivision already has the entire infrastructure in place. Mr. Stuart is to the point of finishing the retaining walls.

Drainage has changed. At the south end of the subdivision there is a big block wall that will no longer be a building lot but a detention basin. In total Mr. Stuart has had to pull 6 lots to resolve drainage and soils issues.

Mr. Stuart is also asking for an exemption from the pressurized irrigation requirement from the City Council. They will need to provide notes from the project engineer and the soils engineer stating that due to the varying condition of the soil in that area a desert landscape would be best.

Staff is in favor of this. The condition of the soil and the landscaping requirements will be recorded directly on the mylar that goes to the County so that information will be readily available to people purchasing the properties.

Staff feels that by not having the required psi pressurized irrigation that will help with overwatering.

At this point with the exception of not yet having the easement or the updated drainage report to our engineer, staff is comfortable with what is being proposed.

Kevin explained that the specific area of the project is zoned R-1-14. In our Code there is a provision allowing 10,000 square foot lots in an R-1-14 if there is a benefit to the public with a Development Agreement.

This development was started in 2006 and did not get completed. Since that time we have passed new regulations and we have also seen the effects of an unfinished subdivision. Not only is it an eye sore but the soils become unstable and start to erode. One of the things staff has talked about is starting to front end the final approvals and bonding so there is money coming in from the sale of lots to finance the infrastructure and the City can get the dedication of the roadways early on before the property gets tied up in liens.

Mr. Stuart is trying to finish what was started and approved. It is the same development generally but it is not entirely the same development. Because of the amount of time the subdivision sat the soils report has come back different than the first time so to comply with the new recommendations six lots have been dropped which has changed the configuration of the subdivision. That has helped with some of the erosion issues.

There was an issue with not being able to get sufficient irrigation pressure there. The City doesn't want over watering so by getting that requirement removed staff feels much better about the project.

The Development Agreement is basically the same as in 2006. There were some missing provisions that Kevin has added into the new Agreement as well as including the improvement of 400 North to make it aesthetically pleasing and wider to handle the additional traffic. There will be a portion of the impact fees from the building lots that will go back to the developer after the work has been completed on the road.

There have been changes made in regard to the drainage. The developer has doubled the amount of drainage facilities. This will help with the look of the subdivision as well as the stability and safety of the property.

Staff has reviewed all of the documents that have come in. They will discuss the easement issue after the public hearing but recommend approval.

*The public hearing opened at 6:19pm.*

Judy Abraham has a rental property on Webb Street. She is concerned that the traffic on Webb Street will increase and the pavement on that road is already in bad shape. It was supposed to be repaved when the

project started the last time. They tried two or three years ago to clean the sewer and couldn't because it was so bad underneath. She feels that Webb Street should be improved also to help alleviate the traffic and the dust.

It was mentioned that the soil was tested but what type of soil found was not. She has heard from numerous people there is blue clay up there and wondering if that is going to be a problem. Eliminating the water will help some but what about when it rains, how will that affect the blue clay and the houses.

Phyllis Terrana lives against this development. When the project first started her fence was removed and never replaced. She has talked to the new developer and was assured that will not happen again. She worked on her yard for years and it has never been the same since the project started.

Another issue she has had is large cracks appearing in her home after the heavy equipment started working by her home. This home was built in the 40's and has never had cracks before. So she does have concerns with how the equipment will affect the homes below the project.

She hopes this project moves forward and is beautiful and successful. But the last time this project started the neighbors were left with a mess and for her it meant huge amounts of tumbleweeds. Every year her yard fills up like a bowl. It puts her home at risk and leaves her having to deal with removing them or finding someone to remove them for her.

Her last concern has been mentioned before; she would not want to live any closer to the mountain than she already does. They have moved all the little hills that protect the people from falling rocks. She has been there when huge rains came and there are waterfalls. Before the berm was put in behind her the rocks came up to her back door so she does have concerns for the people buying the homes in this development. She doesn't want to see anyone lose their home or die. She has also heard there is blue clay in the area. Within a year of the project stopping there were huge pot holes and sink holes appearing. She doesn't know how that type of issue can be prevented but they are her concerns. This development goes all the way around her. She is not against the development she just wants everyone to be safe.

Pam Gubler lives at 161 E 130 N. According to the map sent to her the project comes right up to the back of her property. There is a ledge at the back of her property and she wondered how they were planning on leveling it off and making sure no rocks came into her property.

The last time construction was started on the Bella Terra Subdivision had it not been for one good man, who has sense moved out of this town that subdivision would have been a disaster. The people who had done that subdivision were jokes and this man came and fixed what they had left behind. She just wants to be informed on what is happening so the neighbors aren't left with a mess again.

*The public hearing was closed at 6:28pm.*

## **VI. Business:**

1. Discussion and possible action to give preliminary approval on the Sunset View Estates Development Agreement and subdivision layout.

Commissioner Benson asked the developer if he had any comments on the concerns that have been expressed.

Brant Tuttle from Northern Engineering reported that there have been additional soils tests done since there was a report done on the original subdivision. Lots were identified where there was expansive clay and lots where there was not. A note has been placed right on the plat stating those lot numbers. Before a building permit can be issued a sight specific engineering foundation design to address expansive soils would be required. They feel that has addressed those issues.

There have been two different soils reports done by two different companies so the developer feels pretty comfortable in what they were able to find addressing the soils.

A soils engineer also looked at rock fall. From that report lots were eliminated and the berms were placed on the plans. There will be rock fall berms above the subdivision that will also be acting as a drainage collection. There are also three separate detention basins that will store the peak flows and will have control releases. They have been working with city staff and their engineers to develop this and feel that it is a major improvement to what was being built and had been approved previously. He talked to Phyllis Terrana earlier today and gave her his contact information so if she has any concerns or problems she can call him.

In regard to the issue with the rock and retaining walls on the west lots, the developer has identified on the plan other walls that need to be constructed on the west, south and north end. They will be working closely with city staff on those.

As far as the cracking walls, this is the first Brant had heard that concern.

Commissioner Wilson asked if staff was concerned with Webb Street.

Derek replied that Webb Street was heavily impacted from the entrance to the new subdivision down to just past the City's pump station. That will all be torn out and repaved to just below Flora and that should help with the dust issue.

The rock fall detention basin against the hillside is about 12-15 feet deep and 12 feet wide at the bottom so the City can get equipment in there. That should catch anything that falls from the mountain as well as any water. This should improve the drainage situation. The City Engineer is here and can address any rock fall/drainage issues also.

Commissioner Andregg asked about the issue Pam Gubler has with her property.

Brant Tuttle answered there is a retaining wall on the south end on lot 51 that was not completed. They will be finishing it and continuing it around the corner. A rock wall is what was proposed. They will also be putting a rock wall on the west side of the development.

Dale Gubler would like the wall to not be rock.

Derek suggested coordinating with the Gublers. Rock walls were specified by a previous City Council to blend in with the hillside. That doesn't have to be a requirement this time. It could be a stipulation tonight that Northern Engineering get with the Gublers to address their concern.

Commissioner Wilson asked Russ Funk, the city engineer, if he had any issues with the development.

Russ replied he has been working closely with the City and with Northern Engineering on this project and the biggest concern at this time is with the drainage.

The drainage plan has changed several times from the original plan so he has requested an updated drainage study be done and have recommended to the City that approval on this subdivision is conditioned on an approved drainage plan that meets the requirements of the City.

One thing he would like to mention is there is an existing deficiency. The downstream drainage system below the subdivision right now does not have the capacity to handle the drainage. The proposed improvements are going to help alleviate some of that deficiency. It won't take care of all of it but will help.

His biggest concern is that issue is not finalized. It can be finalized and feels that approval needs to be contingent upon coming to an agreement on drainage.

Derek said they are not recommending it go to City Council tonight until the drainage report has been reviewed and finalized by Russ and the easements are verified by Kevin. Once those items are in hand

and staff is comfortable with everything they can move on to City Council, if it passes the public hearing tonight.

Kevin explained the only easement that needs to be verified is the drainage easement behind the subdivision that is on bank owned property.

**Motion was made by Commissioner Kelly Wilson to recommend approval to the City Council on the Sunset View Estates Development Agreement and preliminary plat conditioned upon the updated Drainage Report Plan, the drainage easement, and the developer working with home owners surrounding the subdivision so there is no ill will, second by Commissioner Hugh Howard. Motion carried unanimously.**


Kevin stated legally the Planning Commission doesn't need to approve the Development Agreement but staff would like their approval on it.

Once those items have been approved it will go on to City Council. If a problem does arise it may come back to the Planning Commission.

**VII. Adjourn:**

**Motion was made by Commissioner Kelly Wilson to adjourn, second by Commissioner Hugh Howard. Motion carried unanimously at 6:43pm.**

Minutes taken on behalf of the City Recorder by Christy Ballard.

  
\_\_\_\_\_  
Planning Commission Chair Pro Tem

7/9/14  
\_\_\_\_\_  
Date Approved

